
**PRELIMINARY DRAFT
No. 3773**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2005 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 20-35; IC 20-36; IC 20-37.

Synopsis: Recodification. Title 20 recodification draft of Articles 35, 36, and 37 (new citation order, with queries).

Effective: July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning
recodification of education laws.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-35 IS ADDED TO THE INDIANA CODE AS
A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
2005]:

ARTICLE 35. SPECIAL EDUCATION

Chapter 1. Definitions

[20-1-6-1] Sec. 1. ~~As used~~ **The definitions in this chapter the
following terms have the following meanings: apply throughout this
chapter and in IC 20-35-2 through IC 25-35-8.**

~~(1)~~ **Sec. 2. "Student with a disability"** means ~~any~~ a child
who:

(1) is at least three (3) years of age but less than twenty-two (22)
years of age; and ~~who~~

(2) because of physical or mental disability is incapable of being
educated properly and efficiently through normal classroom
instruction, but who, with the advantage of a special educational
program, may be expected to benefit from instruction in
surroundings designed to further the educational, social, or
economic status of the child.

Public schools may operate special education programs for
hearing impaired children ~~as young as~~ **at least** six (6) months of
age on an experimental basis upon the approval of the **state**
superintendent ~~of public instruction~~ and the ~~Indiana~~ state board.
~~of education.~~ **[note: this last sentence is not really part of a
definition, and it should be separated into a separate
substantive section]**

~~(2)~~ **Sec. 3. "Division"** ~~means~~ **refers to** the division of special
education within the department of education.

~~(3)~~ **Sec. 4. "Director"** ~~means~~ **refers to** the director of the division of
special education.

~~(4)~~ **Sec. 5. "School corporation"** means ~~any~~ a corporation authorized
by law to establish public schools and levy taxes for the maintenance



of the schools.

~~(5)~~ **Sec. 6.** "Individualized education program" means a written statement developed **for a child** by a group that includes:

~~(A)~~ **(1)** a representative of the school corporation or public agency responsible for educating the child;

~~(B)~~ **(2)** the child's teacher;

~~(C)~~ **(3)** the child's parent, guardian, or custodian;

~~(D)~~ **(4)** if appropriate, the child; and

~~(E)~~ **(5)** if the provision of services for a seriously emotionally disabled child is considered, a mental health professional provided by:

(A) the community mental health center (as described ~~under~~ **in** IC 12-29); or

(B) a managed care provider (as defined in IC 12-7-2-127(b)); ~~and~~

serving the community in which the child resides;

and that describes the special education to be provided to the child.

~~(6)~~ **Sec. 7.** "Preschool child with a disability" refers to a disabled child who is at least three (3) years of age by ~~September 1 of the 1989-90 school year, August 1 of the 1990-91 school year, July 1 of the 1991-92 school year, or June 1 of the 1992-93 school year, and every subsequent school year.~~ [QUERY: IS THERE A MAXIMUM AGE?]

~~(7)~~ **Sec. 8.** "Special education" means instruction specially designed to meet the unique needs of a child with a disability. ~~It~~ **The term** includes transportation, developmental, corrective, and other support services and training only when required to assist a child with a disability to benefit from the instruction itself.

~~(8)~~ **Sec. 9.** "School year" has the meaning set forth in ~~IC 20-10-1-2-1.~~ **IC 20-18-2-[??].**

Chapter 2. Division of Special Education

~~[20-1-6-2.1] Sec. 2-1.~~ **Sec. 1.** (a) There is created under the ~~Indiana~~ state board ~~of education~~ a division of special education. ~~which~~ **The division** shall exercise all the power and duties set out in this chapter.

(b) The governor shall appoint, upon the recommendation of the state superintendent, ~~of public instruction,~~ a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be ~~fixed~~ **determined** by the budget agency with the approval of the governor. ~~The duties of the director are as follows:~~ **has the following duties:**

(1) To do the following:

(A) Have general supervision of all programs, classes, and schools, including those conducted by ~~the~~ public schools, the Indiana School for the Blind, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability, aging, and rehabilitative services, and the division of mental health and addiction, for children



with disabilities. ~~and to~~

(B) Coordinate the work of ~~these~~ schools **described in clause**

(A). ~~In addition, relative to~~

(c) **For** programs for preschool children with disabilities as required under ~~section 14.1 of this chapter; the director has IC 20-35-4-9, have~~ general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under ~~section 14.1 of this chapter. IC 20-35-4-9.~~ However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the ~~Indiana~~ state board, ~~of education~~, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent ~~of public instruction~~ and the budget agency, to appoint and ~~fix~~ **determine** salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the ~~Indiana~~ state board, ~~of education~~, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the ~~Indiana~~ state board ~~of education~~ concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality [QUERY: disability?] included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established under IC 12-17-15 to ensure that the preschool special education programs required ~~under section 14.1 of this chapter~~ **IC 20-35-4-9** are consistent with the early intervention services



program described in IC 12-17-15.

~~(b)~~ (c) The director or the ~~Indiana~~ state board of education may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

Chapter 3. State Advisory Council

[20-1-6-16] ~~Sec. 16.~~ **Sec. 1.** (a) The ~~state~~ superintendent shall appoint a state advisory council on the education of children with disabilities. ~~whose~~ **The state advisory council's** duties ~~shall~~ consist of providing policy guidance concerning special education and related services for children with disabilities. The ~~state~~ superintendent shall appoint at least seventeen (17) members who ~~shall~~ serve for a ~~period~~ **term** of four (4) years. Vacancies shall be filled in ~~like the same~~ manner for the unexpired balance of the term.

(b) The members **of the state advisory council** must be:

- (1) citizens of Indiana; ~~who are~~
- (2) representative of the state's population; and
- (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members **of the state advisory council** must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:
 - (A) The commissioner of the state department of health or the commissioner's designee.
 - (B) The director of the division of disability, aging, and rehabilitative services or the director's designee.
 - (C) The director of the division of mental health and addiction or the director's designee.
 - (D) The director of the division of family and children or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative of each of the following:



(A) The Indiana School for the Blind board.

(B) The Indiana School for the Deaf board.

~~(c)~~ (d) The responsibilities of the state advisory council are as follows:

(1) To advise the **state** superintendent and the **state** board regarding all rules pertaining to children with disabilities.

(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.

(3) To advise the department of unmet needs within ~~the state~~ **Indiana** in the education of children with disabilities.

(4) To provide public comment on rules proposed by the **state** board regarding the education of children with disabilities.

(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

~~(d)~~ (e) The **state advisory** council shall **do the following**:

(1) Organize with a chairperson selected by the **state** superintendent. ~~and~~

(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice but not less than four (4) times a year.

(f) Members of the **state advisory** council ~~shall be~~ **are** entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

~~(e)~~ (g) The **state** superintendent shall **do the following**:

(1) Designate the director to act as executive secretary of the **state advisory** council. ~~and shall~~

(2) Furnish all professional and clerical assistance necessary for the performance of ~~its~~ **the state advisory council's** powers and duties.

~~(f)~~ (h) The affirmative votes of a majority of the members appointed to the **state advisory** council are required for the **state advisory** council to take action.

Chapter 4. School Corporations: Powers and Duties Regarding Students With Disabilities

[20-1-6-3] ~~Sec. 3:~~ **Sec. 1.** (a) ~~Every~~ **A** school corporation acting individually or in a joint school services program with other corporations ~~is empowered to~~ **may** establish and maintain instructional



1 facilities for the instruction of children with disabilities.

2 (b) A school corporation may provide transfer and transportation of
3 children with disabilities residing in the geographical limits of the
4 corporation to facilities for the instruction of children with disabilities
5 ~~which that~~ are not maintained by the school corporation.

6 (c) ~~Any A~~ school corporation acting individually or in a joint school
7 services program with other corporations may convert, build, or lease
8 the necessary school buildings or use existing buildings for the purpose
9 of establishing and maintaining classes of one (1) or more pupils who
10 are:

11 (1) residents of Indiana; and ~~who are~~

12 (2) children with disabilities.

13 (d) ~~Any A~~ school corporation may provide for instruction of any
14 child with a disability who is not able to attend ~~the a~~ special class or
15 school for children with disabilities. Special personnel may be
16 employed in connection with these classes of schools, and any
17 expenditures for these classes of schools ~~shall be~~ **are** lawful
18 expenditures for maintaining the education of children with disabilities.

19 (e) All nurses, therapists, doctors, psychologists, and related
20 specialists employed under this chapter: ~~[??] shall~~

21 (1) **must** be registered and authorized to practice under ~~the laws~~
22 **of Indiana law**; and

23 (2) are subject to any additional requirements of the division.

24 (f) ~~Any A~~ school corporation acting individually or in a joint school
25 services program with other corporations may purchase special
26 equipment needed in a class or school for children with disabilities, and
27 any expenditures made for this special equipment are lawful
28 expenditures for maintaining the education of children with disabilities.

29 (g) Children with disabilities shall receive credit for schoolwork
30 accomplished on the same basis as normal children who do similar
31 work.

32 (h) ~~The A~~ school corporation constructing or operating a school
33 under this chapter:

34 (1) shall pay the operating expense for each pupil attending; and
35 ~~shall be~~

36 (2) **is** entitled to receive state aid for these pupils under the
37 applicable laws.

38 Other school corporations sending children with disabilities as students
39 of the school shall pay tuition in accordance with ~~sections 18.1 through~~
40 **18.2 of this chapter. IC 20-35-8-1 through IC 20-35-8-2.**

41 (i) If the state receives funds from the federal government to aid in
42 the operation of any school for children with disabilities, the division
43 shall distribute among these schools the grant of federal funds ~~which~~
44 **that** are appropriated. ~~and The federal funds~~ shall be expended for the
45 purposes for which the funds are granted.

46 (j) Except as provided in ~~section 14.1 of this chapter as it relates~~



IC 20-35-4-9 with regard to preschool children with disabilities, ~~any school schools~~ or classes for children with disabilities shall be operated by the school corporation establishing the ~~school schools~~ or classes under: ~~the~~

(1) ~~Indiana laws of Indiana~~ applying to the operation of public schools; and ~~under~~

(2) the supervision of the division.

(k) Teachers in classes and schools for persons with disabilities:

(1) shall be appointed **in the same manner** as other public school teachers; and ~~shall~~

(2) **must** possess:

(A) the usual qualifications required of teachers in the public schools; and ~~in addition,~~

(B) any special training that the state board ~~of education~~ requires.

(l) The state board ~~of education~~ shall adopt rules under IC 4-22-2 governing the qualifications required of preschool teachers under contractual agreements entered into under ~~section 14.1 of this chapter.~~

IC 20-35-4-9.

~~(k)~~ (m) Qualifications of paraprofessional personnel to be employed under this chapter are subject to a determination by the department. ~~of education.~~ Before any type of special class organized or to be organized under this chapter is established in any school corporation or through any contractual agreement, the special class ~~shall~~ **must** be submitted to and ~~must be~~ approved by the ~~Indiana state board. of education.~~

~~(l)~~ (n) The ~~Indiana state board of education~~ shall adopt rules under IC 4-22-2 necessary for the proper administration of this chapter.

[20-1-6-5] ~~Sec. 5:~~ **Sec. 2.** (a) The division ~~of special education~~ may, upon application by the governing body of a school corporation, together with proof of need, authorize ~~the school corporations corporation~~ to purchase, convert, remodel, or construct rooms or buildings for special schools for children with disabilities in an effort to ~~get such~~ **have the** schools located near the homes of the children with disabilities ~~which it the schools~~ will serve.

(b) The school corporation:

(1) shall pay the cost of purchase, conversion, remodeling, and construction and the cost of building equipment of any such school; and

(2) may finance such conversion, remodeling, and construction as other school buildings are financed.

(c) The school corporation establishing any such school may send all its children with disabilities ~~thereto to the school~~ and shall admit, ~~so long as if~~ facilities permit, any other children with disabilities ~~of the state in Indiana~~ who:

(1) are eligible under this chapter; and

(2) ~~who~~ are not provided with an opportunity to attend an



adequate school in their own school corporation.

[20-1-6-8] ~~Sec. 8:~~ **Sec. 3.** (a) The medical care of ~~the a~~ child with a disability ~~shall be~~ **is** the responsibility of the physician chosen by the family or guardian to attend ~~that the~~ child. However, ~~no a~~ child with a disability is ~~to be~~ **not** excused from attending school unless the local health officer, upon a statement of the attending physician, certifies that attendance would be injurious to the child. The educational and recreational program ~~shall in no way may not~~ **alter in any way** the medical care prescribed by the proper medical authority. Eligibility for all special education classes and programs ~~shall~~ **must** be determined by appropriate specialists.

(b) All nurses and special therapists in physical therapy, occupational therapy, and related medical fields ~~shall~~ **must** be:

(1) graduates of fully accredited training schools; and ~~shall be~~

(2) registered by their respective examining boards or by their respective professional associations.

(c) The medical care of needy **[Query: is "needy" the appropriate word?]** children with disabilities is the responsibility of the state department of health and its division of services for children with special health care needs, to the extent provided by law.

(d) The personnel and facilities of the division for children with special health care needs shall be ~~utilized~~ **used** at all times for the following:

(1) **The** determination of policies related to the medical care of children with disabilities. ~~for~~

(2) The professional supervision of all special therapists. ~~and for~~

(3) Individual casework as available. **[Query: does "as available" apply only to "individual casework"?]**

[20-1-6-10] ~~Sec. 10:~~ **Sec. 4.** (a) For the administration and field service of the division, ~~of special education within the Indiana state board of education, as created in this chapter,~~ there is hereby appropriated annually out of the excise funds of the ~~alcoholic beverages~~ **alcohol and tobacco** commission an amount to administer ~~the provisions of this chapter as may be~~ determined by the general assembly. ~~Funds so~~

(b) **Money** appropriated **under this section** shall be deposited into a special fund in the state treasury to be known as the special education fund. ~~and to~~ **The special education fund shall be:**

(1) administered by the state superintendent; ~~of public instruction,~~ and ~~which shall be~~

(2) used **only** for ~~no other purposes than for~~ the administration of ~~the provisions of this chapter.~~

[20-1-6-11] ~~Sec. 11:~~ **Sec. 5.** This chapter ~~shall~~ **does not be so construed as to** amend, alter, or repeal any other statute, but ~~shall be~~ **is** supplemental ~~thereto: to other statutes.~~

[20-1-6-12] ~~Sec. 12:~~ **Sec. 6.** ~~No provision of~~ (a) **Except as provided**



in subsection (b), this chapter ~~shall be construed to~~ **does not** require any a pupil student to:

(1) undergo physical or medical examination or treatment; or to

(2) be compelled to receive medical instruction;

if the parent or legal guardian of ~~such the student, pupil shall,~~ in writing, ~~notify~~ **notifies** the teacher or principal or other person in charge of ~~such the~~ pupil that ~~he the parent or legal guardian~~ objects ~~thereto to the medical examination, treatment, or instruction~~ because ~~he the parent or legal guardian~~ relies in good faith on prayer or spiritual means for the treatment of sickness or affliction. ~~provided;~~ **However, that no**

(b) An objection ~~shall may not~~ be made to a physical or medical examination of a child with a physical disability for the purpose of determining whether ~~such the~~ child shall be admitted to any class or school for children with disabilities.

[20-1-6-13] ~~Sec. 13:~~ **Sec. 7. (a)** The ~~board governing body of any~~ a school corporation of this state is hereby authorized to ~~may do the~~ following:

(1) Accept, receive, and administer any gift, devise, legacy, or bequest of real or personal property, including the income from real estate:

(A) to or for the benefit of any school, dormitory, or facility for the education of children with disabilities; and

(B) for any of the purposes contemplated under ~~the provisions~~ of this chapter and not inconsistent with ~~the provisions of this~~ chapter or ~~the laws of this state.~~ The board of any school corporation is hereby authorized to **Indiana law.**

(2) Invest or reinvest any of the funds received under ~~the provisions of~~ this section in the same kind of securities in which life insurance companies are authorized by law to invest their funds.

(b) All money received by ~~any a~~ school corporation under ~~the provisions of~~ this section and all money, proceeds, or income realized from any real estate or other investments or property:

(1) shall be kept in a special fund; ~~and shall~~

(2) **may** not be commingled with any other fund or funds received from taxation; and

(3) may be expended by the ~~school board governing body of the~~ school corporation in any manner consistent with the:

(A) purposes of this chapter; and ~~the~~

(B) intention of the donor or donors.

[20-1-6-14] ~~Sec. 14:~~ **Sec. 8. (a)** The school corporation in which a child with a disability resides is primarily responsible for providing the child ~~with a disability~~ with an appropriate special education program. The governing body of each school corporation shall establish and maintain the special educational facilities that are needed for:



- (1) children with disabilities residing in the school corporation;
and
- (2) other children as authorized by this chapter.

However, **under rules adopted by the state board**, a child with a disability may be placed ~~under rules adopted by the Indiana state board of education~~ in a special education program ~~which that~~ is not established or maintained by the school corporation.

(b) Notwithstanding subsection (a), a school corporation may establish special educational facilities for children with disabilities who are:

- (1) at least nineteen (19) years of age; or
- (2) less than six (6) years of age.

[20-1-6-14.1] ~~Sec. 14.1.~~ **Sec. 9.** (a) The budget agency and the division shall develop a funding mechanism to provide preschool special education. ~~Beginning with the 1991-92 school year,~~ Each school corporation shall provide each preschool child with a disability with an appropriate special education. However, this subsection is applicable only if the general assembly appropriates state funds for preschool special education.

(b) A school corporation may act:

- (1) individually;
- (2) in a joint school services program with other school corporations as described in section 3 of this chapter; or
- (3) upon approval by this division, through contractual agreements entered into between a school corporation and a qualified public or private agency that serves preschool children with disabilities.

(c) The ~~Indiana~~ state board ~~of education~~ shall adopt rules under IC 4-22-2 governing the following:

- (1) The extent to which a school corporation may contract with another service provider as permitted under subsection (b).
- (2) The nature of the contracts.
- (3) The approval procedure required of the school corporation under subsection (b).
- (4) Other pertinent matters concerning these agreements.

[20-1-6-15.1] ~~Sec. 15.1.~~ **Sec. 10.** (a) For ~~the~~ purposes of this section, "comprehensive plan" means a plan for educating **the following**:

- (1) All children with disabilities that a school corporation is required to educate under ~~sections 14 IC 20-35-4-8 through 14.1 IC 20-35-4-9. of this chapter; and those~~
- (2) **The** additional children with disabilities that ~~it~~ **the school corporation** elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

- (1) The Indiana School for the Blind board.
- (2) The Indiana School for the Deaf board.



(c) The ~~Indiana~~ state board of ~~education~~ shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent of ~~public instruction~~ a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under ~~section 14.1 of this chapter~~, **IC 20-35-4-9**, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in ~~section 1 of this chapter~~, **IC 20-35-1-1**, the ~~Indiana~~ state board of ~~education~~ may:

(1) conduct a program for the early identification of children with disabilities, between the ages of birth and twenty-one (21) [QUERY: This is ambiguous. Does it mean "children less than 21 years of age"?], not served by the public schools or through a contractual agreement under ~~section 14.1 of this chapter~~, **IC 20-35-4-9**, and may utilize

(2) use agencies that serve children with disabilities other than the public schools.

(e) The ~~Indiana~~ state board of ~~education~~ shall adopt rules under IC 4-22-2 requiring the:

(1) department of correction; ~~the~~

(2) state department of health; ~~the~~

(3) division of disability, aging, and rehabilitative services; ~~the~~

(4) Indiana School for the Blind board; ~~the~~

(5) Indiana School for the Deaf board; and ~~the~~

(6) division of mental health and addiction;

to submit to the ~~state~~ superintendent of ~~public instruction~~ a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The ~~state~~ superintendent of ~~public instruction~~ shall furnish professional consultant services to ~~the~~ school corporations ~~the~~ department of correction; ~~the~~ state department of health; ~~the~~ division of disability, aging, and rehabilitative services; ~~the~~ Indiana School for the Blind board; ~~the~~ Indiana School for the Deaf board; and ~~the~~ division of mental health and addiction and the entities listed in subsection (e) to aid them in fulfilling the requirements of this section.

[20-1-6-17] ~~Sec. 17:~~ **Sec. 11.** (a) ~~School boards~~ **The governing bodies** of one (1) or more school corporations establishing and maintaining educational facilities and services for ~~children~~ **students** with disabilities, as described in this chapter, shall, in connection ~~therewith~~, **with establishing and maintaining the facilities and services**, exercise similar powers and duties as are prescribed by law for the establishment, maintenance, and management of other recognized educational facilities and services.



~~(b) Such school boards~~ **The governing bodies** shall:

(1) include only eligible children in the program; and ~~shall~~

(2) comply with all the requirements of:

(A) this chapter; and

(B) all rules established by the ~~state~~ superintendent of public instruction and the ~~Indiana~~ state board. of education.

~~(b) Any~~ (c) A school corporation is ~~authorized to~~ **may** issue diplomas or certificates of graduation to pupils with disabilities completing special educational programs approved by the ~~state~~ superintendent of public instruction and the ~~Indiana~~ state board. of education.

Chapter 5. Special Education Cooperatives

[20-1-6-20] Sec. 1. ~~(a) As used~~ **The definitions** in this section the following terms shall have the following meanings: **apply throughout this chapter.**

(1) "Special education cooperative" means a department, school, or school corporation established, maintained, and supervised for the education of children with disabilities in accordance with this section.

(2) "Participating school corporation" means ~~any~~ **a** local public school corporation **that:**

(A) ~~is established under the laws of the state of Indiana law;~~ **which and**

(B) cooperates with other ~~such corporation or local public school~~ corporations in a special education cooperative.
[query: is "local" or "public" needed in the term "local public school corporation" ?]

(3) "Governing body" of a participating school corporation means the board or commission charged by law with the responsibility of administering the affairs of ~~such the~~ school corporation. ~~but~~ In the case of a school township, ~~shall mean its~~ **the term means the township** trustee and township board.

(4) "Board of managers" means the board or commission charged with the responsibility of administering the affairs of a special education cooperative.

(5) "Agreement" means an:

(A) identical resolution adopted by the governing body of each participating school corporation; or ~~an~~

(B) agreement approved by ~~each such the~~ governing body of **each participating school corporation;**

providing for a special education cooperative.

(6) "Assessed valuation" of a participating school corporation for ~~any a~~ school year ~~shall mean~~ **means** the net assessed valuation of ~~such the~~ school corporation for the immediately preceding March 1, adjusted in the same manner as any adjustment is made in determining the amount of state distribution for school support.



(7) "Percentage share" of a participating school corporation is the percent ~~which~~ **that** its assessed valuation bears to the total assessed valuation of all the participating schools joining in an agreement.

[20-1-6-20] ~~(b)~~ **Sec. 2.** Two (2) or more participating school corporations may form a special education cooperative in accordance with the provisions of either ~~subsection (g)~~ **sections 13 through 15 of this chapter** or ~~(h)~~ **section 10 of this chapter**, but subject to the limitations of this ~~subsection~~, **section through section 8 of this chapter**, by adopting an agreement ~~which shall contain that contains~~ the following provisions:

(1) A plan for the organization, administration, and support for ~~such the~~ special education cooperative, including the establishment of a board of managers.

(2) The commencement date of the establishment of ~~such the~~ **special education** cooperative, which ~~shall~~ **must** be contemporaneous with the beginning of a school year.

(3) The extension of ~~such the~~ special education cooperative for a ~~minimum of at least~~ five (5) school years, **and** a provision that ~~such the special education~~ cooperative will extend from school year to school year ~~thereafter~~ **after the five (5) year period** unless ~~cancelled~~ **the special education cooperative is terminated** by action of the governing bodies of a majority of the participating school corporations **that is** taken at least one (1) year ~~prior to~~ **before** termination of the agreement.

Sec. 3. During the term of ~~such an~~ agreement **it adopted under section 2 of this chapter**, the agreement may be modified by unanimous consent of all the participating school corporations.

Sec. 4. ~~Such An~~ agreement **adopted under section 2 of this chapter** may include the following:

(1) An agreement to acquire sites, buildings, and equipment ~~therefor for the sites and buildings~~ by:

(A) purchase; ~~by~~

(B) lease from any of the participating school corporations for the term of the agreement; or ~~by~~

(C) lease under the provisions of IC 21-5-11 or IC 21-5-12.

(2) ~~The agreement may include~~ An agreement to repair, equip, and maintain school buildings and equipment. ~~and~~

(3) An agreement that participating school corporations may use funds from their respective capital projects fund to pay for ~~those~~ **the costs under subdivision (1) or (2)** or for any other purposes authorized under IC 21-2-15.

Sec. 5. The amount of money used from a participating school corporation's cumulative building fund or capital projects fund ~~is to~~ **shall** be determined by agreement among the participating school corporations.



1 **Sec. 6.** The cost of the special education cooperative for each school
 2 year shall be ~~borne~~ **paid** by the participating school corporations in
 3 accordance with the terms of their agreement. Agreements for the
 4 payment of the cost of the special education cooperative may:

- 5 (1) establish a formula for payments ~~which~~ **that** meet the needs
 6 of the school corporations; or ~~may~~
 7 (2) base payments on a percentage share formula.

8 **Sec. 7.** Upon the termination of the agreement, the participating
 9 school corporations shall be liable for their respective ~~portions~~ **parts**
 10 of any long term lease or other long term obligations in the same
 11 annual ~~portions~~ **parts** as are provided in the agreement as though the
 12 agreement had not been terminated, unless the terms under which ~~such~~
 13 ~~the obligations were set up~~ **otherwise** provide **otherwise**.

14 **Sec. 8.** A special education cooperative ~~has the authority to~~ **may**
 15 employ teachers and issue teaching contracts in accordance with all the
 16 provisions for public teaching contracts. ~~Any~~ **A** teacher who has taught
 17 or is teaching in a participating school corporation who became or
 18 becomes a teacher in the special education cooperative ~~shall retain~~
 19 **retains** semipermanent, permanent, or nonpermanent status in ~~such~~ **the**
 20 participating school corporation to the same extent as if ~~he~~ **the teacher**
 21 had continued teaching in the participating school corporation, and ~~his~~
 22 **the teacher's** employment may be terminated solely by the board of
 23 managers of the special education cooperative.

24 ~~(c)~~ **Sec. 9.** A teacher who:

- 25 (1) is employed by a special education cooperative; and
 26 (2) previously taught in a participating school corporation;
 27 retains all rights and privileges under ~~IC 20-6.1-4, IC 20-6.1-5, and~~
 28 ~~IC 20-6.1-6~~ **IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and**
 29 **IC 20-28-10** to the same extent as if the teacher had continued teaching
 30 in the participating school corporation.

31 ~~(d)~~ **Sec. 10.** A teacher who:

- 32 (1) is employed by a special education cooperative; and
 33 (2) does not have existing years of service in any of the
 34 participating school corporations;
 35 shall be considered to be employed by the special education
 36 cooperative and is entitled to the same rights and privileges under
 37 IC 20-6.1-4, ~~IC 20-6.1-5, IC 20-28-9, and IC 20-6.1-6~~ **IC 20-28-10** as
 38 if the teacher were employed by a school corporation.

39 ~~(e)~~ **Sec. 11.** If a teacher loses the teacher's job in a special education
 40 cooperative due to:

- 41 (1) a reduction in services of;
 42 (2) a reorganization of;
 43 (3) the discontinuance of; or
 44 (4) a withdrawal in whole or in part of a participating school
 45 corporation from;
 46 the special education cooperative, the teacher shall be added to the



recall list of laid off teachers that is maintained by the participating school corporations, and the teacher shall be employed under the terms of the recall provisions of the participating school corporations for a special education job opening that occurs in any of the participating school corporations. In addition and during the time the former special education cooperative teacher is entitled to remain on the recall list, all teachers in the participating school corporation other than the former special education cooperative teacher retain all rights and privileges for job openings for which the other teachers are qualified and as granted by the collective bargaining agreement in effect at the participating school corporation or, if no provisions of a collective bargaining agreement govern the rights and privileges, by the policy of the governing body, including provisions governing layoffs and recall.

(f) Sec. 12. If:

(1) a teacher loses the teacher's job in a special education cooperative due to:

(A) a reduction in services of;

(B) a reorganization of;

(C) the discontinuance of; or

(D) a withdrawal in whole or in part of a participating school corporation from;

the special education cooperative; and

(2) the teacher is employed by a participating school corporation as described in ~~subsection (c)~~; **section 11 of this chapter;**

the teacher retains the rights and privileges under ~~IC 20-6.1-4, IC 20-6.1-5, IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-6.1-6~~ **IC 20-28-10** that the teacher held at the time the teacher lost the job in the special education cooperative as described in subdivision (1).

(g) Sec. 13. A special education cooperative may: either

(1) be attached to a participating school corporation which shall have that has responsibility for administrative and financial controls; or it may

(2) establish a separate treasury with separate accounts.

~~When~~ **If** a special education cooperative is not attached to a participating school corporation, it ~~shall~~ **must** comply with the state board of accounts' approved forms and rules for fiscal accountability and ~~be is~~ subject to audit by the state board of accounts.

Sec. 14. A special education cooperative may be operated and managed and its budget determined by a board of managers. The board of managers consists of one (1) designated member from each participating school corporation. The particular designated member from a participating school corporation must be:

(1) the president (or trustee in the case of a school township) of the governing body of a participating school corporation;

(2) any ~~fellow~~ member of ~~such the~~ governing body whom ~~such~~



1 ~~the president or trustee may designate;~~ **designates;**

2 (3) the superintendent of a participating school corporation
3 appointed by the president (or trustee in the case of a school
4 township) of the governing body of ~~a~~ **the** participating school
5 corporation; or

6 (4) an assistant superintendent of a participating school
7 corporation appointed by the president (or trustee in the case of
8 a school township) of the governing body of ~~a~~ **the** participating
9 school corporation.

10 ~~Such~~ **The president or trustee may change the** designated member
11 ~~may be changed by the president or trustee~~ at any time.

12 **Sec. 15.** Meetings of the board of managers shall be held in
13 accordance with ~~the provisions of IC 20-5-3-2;~~ **IC 20-26-4-2.**

14 ~~(h)~~ **Sec. 16.** The special education cooperative may be organized in
15 accordance with ~~IC 20-5-11~~ **IC 20-26-10** or IC 36-1-7.

16 **[suggestion: split this section into multiple sections]**

17 ~~[20-1-6-21] Sec. 21;~~ **Sec. 17. (a)** A teacher who:

18 (1) has not retained a status as a semipermanent, permanent, or
19 nonpermanent teacher with a participating school **corporation;**
20 and

21 (2) loses ~~his the teacher's~~ job in a special education cooperative
22 because of a reduction in services or discontinuance of the
23 cooperative;

24 shall be considered for any job opening for which the teacher is
25 qualified that occurs in any of the participating school corporations in
26 the school year immediately following the reduction in services or
27 discontinuance of the cooperative.

28 **(b)** A teacher employed under this section has the same rights and
29 privileges as teachers employed under ~~IC 20-5-11-3.5~~ **IC 20-26-10** and
30 ~~IC 20-5-11-3.6;~~ **IC 20-26-10-[?].**

31 **Chapter 6. General Provisions**

32 ~~[20-1-6-22] Sec. 22;~~ **1.** Before February 1 ~~in~~ **of** each calendar year,
33 a ~~division of family and children supported~~ program for preschool
34 children with disabilities **that is supported by the division of family**
35 **and children** shall notify a school corporation of the numbers and
36 disabling conditions of the children who are likely to enter into a
37 program of special education in the school corporation in the
38 immediately following school year.

39 ~~[20-1-6-19] Sec. 19;~~ **2. (a)** The **state** superintendent ~~of public~~
40 ~~instruction is authorized to may~~ contract with ~~in~~ **in-state** or out-of-state
41 public and private schools, state agencies, or child caring institutions
42 (as defined in IC 12-7-2-29(1)) to pay, with any funds appropriated for
43 this purpose, the excess costs of educating children of school age:

44 (1) who have been identified as eligible for special education
45 services; and

46 (2) whose disability is of such intensity as to preclude



achievement in the existing local public school setting.
 The state shall pay the costs of the services that exceed the regular cost of educating children of the same age and grade level in the child's school corporation. The ~~local~~ school corporation shall pay the share of the total tuition cost that is the regular per capita cost of general education in that school corporation.

(b) ~~Local school boards~~ [Query: school corporations?] shall pay their share of the total tuition costs for children with disabilities served under this section.

(c) The ~~Indiana~~ state board of education shall adopt rules under IC 4-22-2 necessary to implement this section.

Chapter 7. Case Conferences for Students With Disabilities

[20-1-6-4] ~~Sec. 4.~~ Sec. 1. The state of Indiana hereby accepts all of the provisions and benefits of all laws enacted by the United States Congress of the United States which that provide for aid to children with disabilities, and the ~~Indiana~~ state board of education is hereby designated as the proper authority and is authorized to may accept any federal funds appropriated for the purpose of aiding to aid in the education of children with disabilities. ~~and the Indiana~~ The state board of education shall comply with all the requirements of federal law concerning any ~~such~~ the federal funds relating to ~~such~~ special educational activities as well as with any amendments, ~~thereto or~~ rules, and regulations issued ~~thereunder~~ under those federal laws and in conformity therewith; and not inconsistent that are consistent with the provisions of this chapter. [QUERY: Changes ok? Is chapter heading correct?]

Chapter 8. Transfer and Transportation of Students With Disabilities

[20-1-6-18.1] ~~Sec. 18.1.~~ 1. (a) Except as provided in subsection (b), if a student with legal settlement in a school corporation is transferred to attend school in another school corporation because of a disability or multiple disabilities, the transferor corporation shall:

(1) either:

(A) provide; or

(B) pay for, in the amount determined under ~~section 18.2~~ section 2 of this chapter;

any transportation ~~which that~~ is necessary or feasible, as determined under ~~section 18.2~~ 2 of this chapter and the rules adopted by the ~~Indiana~~ state board; ~~of education~~; and

(2) pay **transfer tuition for the student** to the transferee corporation ~~transfer tuition for the student~~ in accordance with ~~IC 20-8.1-6.1.~~ IC 20-33-6.

(b) If ~~however~~, the student attends a school operated through:

(1) a joint school service and supply program; or ~~other~~

(2) ~~another~~ cooperative program;

involving the **school** corporation of the student's legal settlement,



transportation and other costs shall be made in amounts and at the times provided in the agreement or other arrangement made between the participating school corporations.

[20-1-6-18.2] Sec. ~~18-2~~ **2**. (a) The ~~Indiana~~ state board of education shall adopt rules under IC 4-22-2 ~~which to establish limitations~~ **limits** on the amount of transportation ~~which that~~ may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules ~~shall~~ **must** limit the transportation required by the student's individualized education program to ~~his~~ **the following**:

(1) **The student's** first entrance and final departure each school year. ~~plus~~

(2) Round trip transportation each school holiday period. ~~and~~

(3) Two (2) additional round trips each school year.

(b) ~~Whenever~~ **If** a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under ~~IC 20-8-1-6.1-1~~ **IC 20-33-6** shall ~~bear~~ **pay** the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

(1) The quotient of:

(A) the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends; divided by

(B) the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) ~~Whenever~~ **If** a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability, aging, and rehabilitative services;

or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall ~~bear~~ **pay** the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the ~~Indiana~~ state board of education



shall ~~bear~~ pay the cost of transportation required by the student's individualized education program.

(d) ~~Whenever~~ If a student is placed in a private facility under ~~section 19 of this chapter~~ **IC 20-35-6-2** in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall ~~bear~~ pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the ~~Indiana~~ state board of education shall ~~bear~~ pay the cost of transportation required by the student's individualized education program.

Chapter 9. Adult Services

[20-1-6.1-1] Sec. 1. As used in this chapter, "annual case review" means the meeting of the case conference committee that is conducted annually to review and, if needed, revise a student's individualized education program.

[20-1-6.1-2] Sec. 2. As used in this chapter, "case conference committee" means a group composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent and under rules adopted by the **state** board that meets to do any of the following:

- (1) Determine a student's eligibility for special education and related services.
- (2) Develop, review, or revise a student's individualized education program.
- (3) Determine an appropriate educational placement for each student.

[20-1-6.1-3.1] Sec. ~~3-1~~ **3**. (a) As used in this chapter, "transition services" means a coordinated set of activities for a student with a disability **that:**

- (1) **is** designed within an outcome oriented process; ~~that and~~
- (2) promotes movement from the public agency to postsecondary school activities, including **the following:**
 - (A) Postsecondary education.
 - (B) Vocational training.
 - (C) Integrated employment (including supported employment).
 - (D) Continuing and adult education.
 - (E) Adult services.
 - (F) Independent living. ~~or~~
 - (G) Community participation.

(b) The coordinated set of activities described in subsection (a) must:

- (1) be based on the individual student's needs, taking into account the student's preferences and interests; and
- (2) include the following:



(A) Instruction.

(B) Related services.

(C) Community experiences.

(D) The development of employment and other postsecondary school adult living objectives.

(E) Where appropriate, acquisition of daily living skills and a functional vocational evaluation.

[20-1-6.1-3.2] Sec. ~~3-2~~ 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

(1) Public school corporations that operate programs individually or cooperatively with other school corporations.

(2) Community agencies operated or supported by the office of the secretary of family and social services.

(3) State developmental centers operated by the division of disability, aging, and rehabilitative services. ~~and~~

(4) State hospitals operated by the division of mental health and addiction.

~~(5)~~ (5) State schools and programs operated by the state department of health.

~~(6)~~ (6) Programs operated by the department of correction.

~~(7)~~ (7) Private schools and facilities that serve students referred or placed by a public school corporation, the division of special education, the division of family and children, or other public entity.

[20-1-6.1-5] Sec. 5. (a) As used in this chapter, "adult services" refers to services that are provided by public agencies and other organizations to:

(1) facilitate student movement from the public agency to adult life; and

(2) provide services to enhance adult life.

(b) The term includes services provided by the following:

(1) A vocational rehabilitation services program.

(2) The department of workforce development.

(3) The federal Social Security Administration.

(4) The bureau of developmental disabilities services.

(5) A community mental health center.

(6) A community rehabilitation program. ~~and~~

(7) An area agency on aging.

[20-1-6.1-6] Sec. 6. As used in this chapter, "special education planning district" means the public school administrative unit responsible for providing special education and related services in a specified geographic area. The term includes ~~one~~ (1) the following:

(1) A public school corporation. ~~or~~

(2) More than one (1) public school corporation that operates



under a written agreement.

[20-1-6.1-7] Sec. 7. As used in this chapter, "student with disabilities" means a student identified, evaluated, and enrolled in special education under ~~IC 20-1-6~~. **IC 20-35.**

[20-1-6.1-13] Sec. ~~13~~ **8.** (a) The division of disability, aging, and rehabilitative services, the division of mental health and addiction, and the department of workforce development shall provide each school corporation with written material describing **the following:**

(1) The adult services available to students. ~~and~~

(2) The procedures to be used to access those services.

(b) The material shall be provided in sufficient numbers to allow each student and, if the student's family is involved, each student's family to receive a copy at the annual case review if the purpose of the meeting is to discuss transition services.

[20-1-6.1-17] Sec. ~~17~~ **9.** The case conference committee shall **do the following:**

(1) Review, based on areas addressed in the statement of transition services, the available adult services provided through state and local agencies. ~~and~~

(2) Present information on those services in writing to the student and the parent.

[20-1-6.1-18] Sec. ~~18~~ **10.** (a) Upon obtaining authorization to disclose confidential information, the public agency and the vocational rehabilitation counselor shall confer at least one (1) time ~~per~~ **each** year to review transition age students.

(b) If the public agency and the vocational rehabilitation counselor believe a student may be eligible for and benefit from vocational rehabilitation services, the public agency shall do the following:

(1) Provide adequate notice to the vocational rehabilitation counselor regarding the annual case review to be conducted during the school year before the student's projected final year of school. The notification to the vocational rehabilitation counselor must include the name, address, age, and reported disability of the student for whom the annual case review is being conducted.

(2) At the annual case review, verbally advise and provide written materials to the student and the parent that describe **the following:**

(A) The array of vocational rehabilitation services that may be available. ~~and~~

(B) The process to access those services.

(c) The vocational rehabilitation counselor shall do the following:

(1) Attempt to attend the annual case review for which the counselor has been notified under subsection (b)(1).

(2) Determine with the student and family when an application for vocational rehabilitation services will be completed and eligibility determined. However, the application must be completed not later



than the beginning of the last semester of the student's last year of receiving services by the public agency.

(3) If the student has been determined eligible for vocational rehabilitation services, complete the individual plan for employment (IPE) before the student's exit from the public agency.

(4) Provide written information and be available on a consultative basis to public agency personnel, students, and families to assist in identifying appropriate transition services.

(5) Perform the duties of advocate and consultant to the student and, where appropriate, to the student's family.

(6) Promote communication with the student and family by attending appropriate student activities, including, upon invitation, **the following:**

(A) Case conferences.

(B) Career days.

(C) Family and student forums. ~~and~~

(D) Other consultative services on behalf of the student.

[20-1-6.1-19] ~~Sec. 19.~~ **Sec. 11.** (a) The division of special education shall monitor public agency compliance with the requirements of this chapter as part of the division's ongoing program monitoring responsibilities.

(b) The division of disability, aging, and rehabilitative services shall monitor vocational rehabilitation services' compliance with the requirements of this chapter.

(c) The division of special education and the division of disability, aging, and rehabilitative services shall confer, at least annually, to **do the following:**

(1) Review compliance with the requirements of this chapter. ~~and to~~

(2) Ensure that students with disabilities are receiving appropriate and timely access to services.

Chapter 10. Reading and Writing Instruction for Blind Students

[20-1-6.3-1] Sec. 1. As used in this chapter, "blind student" has the meaning established under rules adopted under IC 4-22-2 by the state board ~~as education~~ for an individual:

(1) who:

(A) cannot successfully ~~utilize~~ **use** vision as a primary and efficient ~~channel~~ **method** for learning; and

(B) exhibits such a low degree or amount of visual acuity or visual field that vision is not considered as a primary mode of learning; or

(2) who has a medically indicated prognosis of visual deterioration.

[20-1-6.3-2] Sec. 2. As used in this chapter, "braille" ~~refers to~~ **means** a tactually perceived system of reading and writing known as



1 Standard English braille.

2 [20-1-6.3-3] Sec. 3. As used in this chapter, "case conference
3 committee" ~~refers to~~ **means** the group of individuals ~~under described~~
4 ~~in IC 20-1-6-1(5)~~ **IC 20-35-1-6** who develop the individualized
5 education program for each ~~handicapped~~ child **with a disability**. ~~(as~~
6 ~~defined in IC 20-1-6-1(1))~~.

7 [20-1-6.3-4] Sec. 4. As used in this chapter, "individualized
8 education program" has the meaning set forth in ~~IC 20-1-6-1(5)~~.
9 **IC 20-35-1-6.**

10 [20-1-6.3-5] Sec. 5. (a) In developing the individualized education
11 program for ~~each~~ **a blind student**, the presumption is that, with some
12 exceptions, proficiency in braille reading and writing is essential for
13 blind students to achieve satisfactory educational progress.

14 (b) This chapter does not require braille use or instruction if, in the
15 course of developing ~~the~~ **a blind student's** individualized education
16 program, the **student's** case conference committee determines that
17 another media:

18 (1) is more appropriate and efficient in meeting the student's
19 reading and writing needs; and

20 (2) allows the student to achieve in instructional activities
21 commensurate with the student's potential.

22 (c) This chapter does not require the exclusive use of braille and the
23 availability of other media may not preclude braille instruction if, in the
24 determination of ~~the~~ **a blind student's** case conference committee,
25 braille is necessary for the student to achieve to the student's potential.

26 [20-1-6.3-6] Sec. 6. (a) Each blind student shall undergo a literacy
27 assessment under rules adopted under IC 4-22-2 by the state board to
28 determine the student's present level of performance in reading and
29 writing.

30 (b) The literacy assessment **required by subsection (a)** shall be
31 administered by a certified teacher of the visually handicapped using
32 criteria established by the state board.

33 [20-1-6.3-7] Sec. 7. If it is determined that braille instruction and
34 use is appropriate for a blind student, the ~~blind~~ student shall be
35 provided instruction by certified teachers of the visually handicapped
36 in the frequency and intensity specified ~~within~~ **in** the ~~blind~~ student's
37 individualized education program.

38 [20-1-6.3-8] Sec. 8. As a part of the case conference committee
39 deliberations for a blind student, ~~information~~ **the case conference**
40 **committee** shall ~~be made~~ **make** available to **the student and the**
41 **student's** parents ~~and to the student~~ **information** regarding all the
42 potential reading and writing media options, including the availability
43 of braille.

44 [20-1-6.3-9] Sec. 9. The state board shall adopt rules under
45 IC 4-22-2 to implement this chapter.

46 **Chapter 11. Inclusion School Pilot Program** (*Repeal per DOE*)



[20-1-6.2-1] ~~Sec. 1:~~ As used in this chapter, "child with disabilities" means a child (as defined in IC 20-1-6-1) whose individualized education program (as defined in IC 20-1-6-1) recommends that the child participate in an inclusion school program.

[20-1-6.2-2] ~~Sec. 2:~~ As used in this chapter, "governing body" has the meaning set forth in IC 20-6.1-1-3.

[20-1-6.2-3] ~~Sec. 1. Sec. 3:~~ As used in this chapter, "inclusion school" means a public school that:

(1) participates in the pilot program under this chapter as an inclusion school;

(2) as an inclusion school, educates each child with disabilities in the school located in the attendance area within the school corporation of legal settlement; and **[see note below]**

(3) integrates each child with disabilities in regular education classes for as much of the student instructional day as possible to normalize the child's academic learning and social experience.

[note: I am unsure of what subdivision (2) means; should it be re-written as follows:

"(2) as an inclusion school, educates each child with disabilities in the school located in the **child's** attendance area ~~within~~ **in** the school corporation of **the child's** legal settlement; and ???]

[20-1-6.2-4] ~~Sec. 2. Sec. 4:~~ As used in this chapter, "regular education" means classroom instruction:

(1) in which children without disabilities are routinely placed; and

(2) that is not characterized as special education under ~~IC 20-1-6-~~

IC 20-35.

[20-1-6.2-5] ~~Sec. 5:~~ As used in this chapter, "school corporation" has the meaning set forth in IC 20-6.1-1-5.

[20-1-6.2-6] ~~Sec. 3. Sec. 6:~~ The inclusion school pilot program is established to provide financial assistance through competitive grants awarded by the department under ~~section 8~~ **section 5** of this chapter to school corporations to do the following:

(1) Develop supportive regular education school and classroom communities that nurture, support, and enhance the educational and social needs of each child enrolled in the inclusion school.

(2) Integrate children with disabilities into the inclusion schools located in the **child's** attendance area ~~within~~ **in** the school corporation of the child's legal settlement.

(3) Provide children with disabilities the opportunity to become an integral part of the total school experience while focusing on meeting the needs of all classes of children and without a reduction in the quality of the content of the educational program being provided to children with disabilities.

(4) Foster cooperation and integration among regular education teachers and special education teachers.

[20-1-6.2-7] ~~Sec. 4. Sec. 7:~~ (a) The money annually available to the



department to award the grants under this chapter is derived from the unexpended money at the end of a **state** fiscal year **that was** originally appropriated to the department for the program for preschool children with disabilities under ~~IC 20-1-6-14.1~~, **IC 20-35-4-9**, not to exceed two hundred thousand dollars (\$200,000).

(b) On July 1 of each year, the budget agency shall make available to the department the appropriate amount of money for use under this chapter as designated under subsection (a).

[20-1-6.2-8] Sec. 5. ~~Sec. 8:~~ (a) ~~Beginning July 1, 1992,~~ The department may award competitive grants to not more than ten (10) school corporations each year to conduct inclusion school programs.

(b) The grants under this chapter ~~shall~~ **must** be used by a recipient school corporation to provide planning collaboration and staff training and development necessary for the implementation of the school corporation's inclusion school program.

[query: "planning collaboration ..." or change to "planning, collaboration, .." ??]

[20-1-6.2-9] Sec. 6. ~~Sec. 9:~~ (a) To be eligible to receive a grant under this chapter, a school corporation must apply to the department, on forms prepared by the department, for the grant.

(b) The school corporation must include **the following** in the school corporation's application:

(1) A detailed description of the nature of the school corporation's inclusion school program. ~~and~~

(2) Any other information required by the department.

[20-1-6.2-10] Sec. 7. ~~Sec. 10:~~ The department shall award grants to a recipient school corporation based ~~upon~~ **on** the following criteria:

(1) The school corporation's experience in delivering innovative instruction to children with disabilities.

(2) The completion of the appropriate application.

(3) The degree to which the:

(A) school corporation;

(B) each school in which the inclusion school program will be implemented; ~~the~~

(C) school staff (including the support of the exclusive representative); and ~~the~~

(D) school community;

exhibit commitment to the inclusion school program.

(4) Any other criteria established by the department.

[20-1-6.2-11] Sec. 8. ~~Sec. 11:~~ Each recipient school corporation ~~shall~~ **must** submit to the department:

(1) an annual report; and

(2) any interim reports that the department requires; ~~to the department on~~

concerning the school corporation's inclusion school program.

[20-1-6.2-12] Sec. 9. ~~Sec. 12:~~ The department shall develop



guidelines to implement this chapter.

SECTION 2. IC 20-36 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 36. HIGH ABILITY STUDENTS

Chapter 1. Definitions

[new] Sec. 1. The definitions in this chapter apply throughout this article.

[20-10.1-5.1-1] Sec. 2. ~~Sec. 1.~~ As used in this ~~chapter,~~ **article,** "domain" includes the following areas of aptitude and talent:

- (1) General intellectual.
- (2) General creative.
- (3) Specific academic.
- (4) Technical and practical arts.
- (5) Visual and performing arts.
- (6) Interpersonal.

[20-10.1-5.1-2] Sec. 3. ~~Sec. 2.~~ As used in this ~~chapter,~~ **article,** "high ability student" means a student who:

- (1) performs at, or shows the potential for performing at, an outstanding level of accomplishment in at least one (1) domain when compared to other students of the same age, experience, or environment; and
- (2) is characterized by exceptional gifts, talents, motivation, or interests.

Chapter 2. Programs for High Ability Students

[20-10.1-5.1-3] ~~Sec. 3.~~ **Sec. 1.** (a) The department shall establish a state resources program using existing state resources that:

- (1) supports school corporations in the development of local programs for high ability students;
- (2) enables educational opportunities that encourage high ability students to reach the highest possible level at every stage of the students' development; and
- (3) provides state integrated services that include ~~but are not limited to,~~ the following:

- (A) Information and materials resource centers.
- (B) Professional development plan and programs.
- (C) Research and development services.
- (D) Technical assistance that includes the following:
 - (i) Student assessment.
 - (ii) Program assessment.
 - (iii) Program development and implementation.
- (E) Support for educators pursuing professional development leading to endorsement or licensure in gifted and talented education.

(b) In addition to the program established under subsection (a), the department shall use appropriations to provide grants to school



corporations for programs for high ability students if the school corporation's plan under ~~section 4~~ **section 2** of this chapter meets the following criteria:

(1) The plan provides for multiple means of identifying high ability students, including procedures for students who may not be identified through traditional means because of economic disadvantage, cultural background, underachievement, or disabilities.

(2) The plan sets forth appropriate education experiences in core curriculum areas for high ability students in kindergarten through grade 12.

(3) The plan aligns with the strategic and continuous school improvement and achievement plans under ~~IC 20-10.2-3-3~~ **IC 20-31-5-4** for the schools within the school corporation.

[20-10.1-5.1-4] ~~Sec. 4:~~ **Sec. 2.** A governing body may do the following:

(1) Develop and periodically update a local plan to provide appropriate educational experiences to high ability students in the school corporation in kindergarten through grade 12. The plan must include the following components:

(A) The establishment of a broad-based planning committee that meets periodically to review the ~~LEA~~ **local education authority's** plan for high ability students. The committee must have representatives from diverse groups representing the school and community.

(B) Student assessment.

(C) Professional development.

(D) Development and implementation of a local program for high ability students.

(E) Evaluation of the local program for high ability students.

(2) Provide a local program for high ability students in accordance with the plan that the governing body develops under subdivision (1) for the high ability students in the school corporation in kindergarten through grade 12.

Chapter 3. Advanced Placement Courses

[20-10.1-22.2-1] Sec. 1. As used in this chapter, "advanced course" refers to an advanced placement course for a particular subject area as authorized under this chapter.

[20-10.1-22.2-2] Sec. 2. As used in this chapter, "advanced placement examination" refers to the advanced placement examination sponsored by the College Board of the Advanced Placement Program.

[20-10.1-22.2-3] Sec. 3. As used in this chapter, "program" refers to the advanced placement program established under section 4 of this chapter.

[20-10.1-22.2-4] Sec. 4. (a) The advanced placement program is established to encourage students to pursue advanced courses,



particularly in math and science. The program shall be administered by the department.

(b) Unexpended money appropriated to the department to implement the program at the end of a state fiscal year does not revert to the state general fund.

[20-10.1-22.2-5] Sec. 5. (a) ~~Beginning~~ **Each school year:**

(1) ~~July 1, 1990~~, each school corporation may provide the College Board's science and math advanced placement courses; and

(2) ~~July 1, 1993, and every school year thereafter~~, each school corporation may provide additional College Board advanced placement courses;

in secondary schools for students who qualify to take the advanced placement courses.

(b) ~~Beginning July 1, 1994~~, Each school corporation shall provide the College Board's science and math advanced placement courses in secondary schools for students who qualify to take the advanced placement courses.

(c) In addition to the College Board's math and science advanced placement tests, the state board may approve advanced placement courses offered by a state educational institution (as defined in IC 20-12-0.5-1) in collaboration with a school corporation if the state educational institution and the collaborating school corporation demonstrate to the state board that the particular advanced placement course satisfies the objectives of this chapter.

[20-10.1-22.2-6] Sec. 6. (a) Each student who enrolls in an advanced course may take the advanced placement examination to receive high school credit for the advanced course.

(b) Any rule adopted by the department concerning an academic honors diploma must provide that a successfully completed mathematics or science advanced course is credited toward fulfilling the requirements of an academic honors diploma.

(c) If a student who takes an advanced placement examination receives a satisfactory score on the examination, the student is entitled to receive a certificate of achievement for the subject area included in the advanced placement examination.

[20-10.1-22.2-7] Sec. 7. Teachers who are assigned to teach an advanced course may participate in summer training institutes offered by the College Board.

[20-10.1-22.2-8] Sec. 8. (a) Money appropriated to the department to implement the program shall be distributed for the purposes listed below in the following order:

(1) To pay the fees for each math or science advanced placement examination that is taken by a student who is:

(A) enrolled in a public secondary school; and

(B) a resident of Indiana.

Priority shall be given to paying the fees for each math or science



advanced placement examination that is taken by a student in grade 11 or 12.

(2) To pay stipends for teachers assigned to teach a math or science advanced course to attend the institutes under section 7 of this chapter.

(3) To pay school corporations for instructional materials needed for the math or science advanced course.

(4) To pay for or rent equipment that a school corporation may need to develop a math or science advanced course.

(5) To pay the fees for the costs incurred in implementing the advanced placement program for the subjects other than math and science as authorized under section 5 of this chapter.

(b) The department shall establish guidelines concerning the distribution of funds under this chapter, including guidelines to ensure that money distributed under this chapter is distributed as evenly as possible throughout Indiana. In establishing these distribution guidelines, the department shall consider the following factors:

(1) The number of students and teachers participating in the program.

(2) Even geographic representation.

(3) Financial need of students participating in the program.

(4) Any other factor impacting on the distribution of money under this chapter.

[20-10.1-22.2-9] Sec. 9. The department shall develop and provide each public secondary school with curriculum guidelines designed to satisfy the requirements of this chapter.

[20-10.1-22.2-10] Sec. 10. The department shall prepare an annual report concerning the implementation of the program and shall submit this report to the board before December 1 of each year. The report must include the pertinent details of the program, including the following:

(1) The number of students participating in the program.

(2) The number of teachers attending a summer institute offered by the College Board.

(3) Recent trends in the field of advanced placement.

(4) The distribution of money under this program.

(5) Other pertinent matters.

[20-10.1-22.2-11] Sec. 11. Each state educational institution (as defined in IC 20-12-0.5-1) shall work with the department in the development of a policy of granting academic credit and advanced placement to students who:

(1) attend the state educational institution; and

(2) ~~who~~ receive a satisfactory score as determined by the state educational institution on the advanced placement examination.

[20-10.1-22.2-12] Sec. 12. The ~~state~~ board shall adopt rules under IC 4-22-2 to implement this chapter.



Chapter 4. Governor's Scholars Academy (*repeal per DOE*)

[20-8.1-10-1] Sec. 1. As used in this chapter, "academy" refers to the governor's scholars academy established under section ~~4~~ **3** of this chapter.

[20-8.1-10-2] Sec. 2. As used in this chapter, "advisory board" refers to the advisory board for the governor's scholars academy created under section ~~6~~ **5** of this chapter.

[20-8.1-10-3] ~~Sec. 3. As used in this chapter, "superintendent" refers to the state superintendent of public instruction.~~

[20-8.1-10-4] Sec. ~~4~~ **3**. The governor's scholars academy is established ~~for the purposes of administering and operating to~~ **administer and operate** a public, residential, coeducational school to be held in the summer for high school students in Indiana who are high ability students as described in ~~IC 20-10.1-5.1.~~ **IC 20-36-1.**

[20-8.1-10-5] Sec. ~~5~~ **4**. (a) The department ~~of education~~ shall operate the academy ~~in accordance with the~~ **under** guidelines that are established by the advisory board and in consideration of the recommendations that are made by the advisory board under section ~~7~~ **6** of this chapter.

(b) The department ~~of education~~ shall:

- (1) employ personnel necessary to operate the academy;
- (2) select the students who will attend the academy;
- (3) hire the faculty for the academy;
- (4) enter into contracts with institutions of higher education or other similar entities for establishing the location or locations of the academy;
- (5) determine the courses that are to be offered at each academy site; and
- (6) take any other action necessary to operate the academy under this chapter.

[20-8.1-10-6] Sec. ~~6~~ **5**. (a) An advisory board for the academy is created.

(b) Fifteen (15) members shall be appointed to the advisory board as follows:

- (1) The **state** superintendent as an ex officio member.
- (2) The chairman of the curriculum committee of the state board ~~of education~~ as an ex officio member.
- (3) The commissioner of the commission on higher education as an ex officio member.
- (4) Seven (7) members appointed by the **state** superintendent as follows:
 - (A) Two (2) members who are classroom teachers.
 - (B) Two (2) members who are public school administrators.
 - (C) One (1) member who represents the parents of public school students.
 - (D) Two (2) members who are former students of the academy.



(5) Five (5) members appointed by the governor as follows:

(A) Two (2) representatives from public institutions of higher education in Indiana.

(B) One (1) representative from a private institution of higher education in Indiana.

(C) Two (2) individuals representing business and industry.

(c) At the expiration of the terms of the initial appointees, their successors shall be appointed to four (4) year terms beginning on July 1 in the year of their appointments. A member may be reappointed to the advisory board.

(d) A vacancy in any appointive term under this section shall be filled for the unexpired part of the term by appointment of the officer who appointed the person creating the vacancy.

(e) On July 1 of each year, the **state** superintendent shall designate a member to serve as chairman. The advisory board shall elect other officers annually to serve terms from July 1 through June 30.

(f) An advisory board member is not entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing the member's duties. A member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(g) The chairman shall call the meetings of the advisory board.

(h) A majority of the advisory board constitutes a quorum for the purpose of doing business.

[20-8.1-10-7] Sec. ~~7~~ **6**. (a) The advisory board shall establish the following guidelines:

(1) The criteria for admission to the academy.

(2) The maximum number and grade levels of students to be admitted to the academy.

(3) Rules for selecting students based upon county student populations with the goal of gathering a diverse student body representing as many high schools in the state as possible.

(4) Criteria and procedures for evaluating the academy.

(b) The advisory board may make recommendations to the department of education concerning the following:

(1) The curriculum to be offered at the academy.

(2) The location or locations for the operation of the academy.

(3) The length of time during the summer that the academy is to be operational.

(4) Any other matter that the advisory board determines to be pertinent to the operation of the academy.

[20-8.1-10-8] Sec. ~~8~~ **7**. The academy shall provide free tuition, room, and board to students accepted to attend the academy.

SECTION 3. IC 20-37 IS ADDED TO THE INDIANA CODE AS



A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 37. VOCATIONAL AND WORKFORCE EDUCATION

Chapter 1. Cooperative Vocational Education Departments

[20-1-18-7] ~~Sec. 7.~~ **Sec. 1.** (a) Two (2) or more school corporations may cooperate to:

(1) establish; and

(2) maintain or supervise; **[Query: It's unclear how this should be tabulated.]**

schools or departments for vocational education if the governing bodies of ~~these the~~ school corporations agree to cooperate and apportion the cost of the schools or departments among the school corporations.

(b) If the cooperating school corporations agree to establish and maintain or supervise **[Query: It's unclear how this should be tabulated.]** the schools or departments under subsection (a), the heads **[query: does "heads" mean the superintendents or the governing bodies?]** of ~~these the~~ school corporations or their delegated representatives constitute a board for the management of the schools or departments. The board may adopt a plan of organization, administration, and support for the schools or departments. This plan, if approved by the ~~Indiana~~ state board, ~~of education~~, **constitutes is a** binding contract between the cooperating school corporations.

(c) The governing bodies of the cooperating school corporations may cancel or annul ~~this the contract plan described in subsection (b)~~ by the vote of a majority of ~~these the~~ governing bodies and upon the approval of the ~~Indiana~~ state board. ~~of education~~. However, if a school corporation desires to withdraw a course offering from the cooperative agreement after:

(1) attempting to withdraw the course offering under ~~any a~~ withdrawal procedure authorized by the school corporation's cooperative agreement or by law; and

(2) being denied the authority to withdraw the course offering; the school corporation may appeal the denial to the ~~Indiana~~ state board. ~~of education~~. In the appeal a school corporation must submit a proposal requesting the withdrawal to the ~~Indiana~~ state board ~~of education~~ for approval.

(d) The proposal under subsection (c) must do the following:

(1) Describe how the school corporation intends to implement the particular vocational education course. ~~and must~~

(2) Include a provision that provides for at least a two (2) year phase-out of the educational program or course offering from the cooperative agreement.

Upon approval of the proposal by the ~~Indiana~~ state board, ~~of education~~, the school corporation may proceed with the school corporation's withdrawal of the course offering from the **cooperative** agreement and



shall proceed under the proposal. ~~This~~

(e) The withdrawal procedure **under subsections (c) and (d)** may not be construed to permit a school corporation to change any other terms of the ~~contract under plan described in~~ subsection (b) except those terms that require the school corporation to provide the particular course offering sought to be withdrawn.

~~(d)~~ (f) The board described in subsection (b) may **do the following:**

(1) Enter into an agreement to acquire **by lease or purchase:**

(A) sites;

(B) buildings; and

(C) equipment; ~~by lease or purchase~~

that are suitable for these schools or departments. This authority extends to the acquisition of facilities available under IC 21-5-11.

~~(c)~~ ~~This board may,~~ [Query: Should the "and" between "buildings" and "equipment" be changed to an "or" ? i.e., the board can acquire any of the three listed items?]

(2) By resolution adopted by a majority of the board, designate three (3) or more individuals from ~~its~~ **the board's** membership to constitute an executive committee.

(g) To the extent provided in ~~the~~ a resolution ~~this adopted under subsection (f)(2), an executive~~ committee shall **do the following:**

(1) Exercise the authority of the full board in the management of the ~~school~~ **schools or departments.** ~~and shall~~

(2) Submit a written summary of its actions to the full board at least semiannually.

Chapter 2. Vocational Schools or Departments

[20-10.1-6-1] Sec. 1. ~~Industrial or Manual Training and Education - Establishment:~~ (a) Each governing body may establish and conduct a system of industrial or manual training and education to teach:

(1) the major uses of tools and mechanical implements;

(2) the elementary principles of mechanical construction;

(3) mechanical drawing; and

(4) printing.

(b) If a system is established, the governing body shall employ competent instructors in the various subjects and shall establish rules and regulations on student admissions designed to produce the best results and to give instruction to the largest practicable number. Each governing body may provide this instruction in school buildings or in separate buildings. Each governing body may:

(1) require students enrolling in this system to pay a reasonable tuition fee; and ~~may~~

(2) differentiate between students living in the attendance unit and those living outside the attendance unit in the amount of tuition charged.

However, tuition charges by a school corporation operating under ~~IC 1971, 20-3-11~~ **IC 20-25-3 and IC 20-25-4** are also regulated by



section 28 of that chapter. **IC 20-25-4-17.**

[20-10.1-6-2] Sec. 2. (a) Each governing body may:

(1) establish vocational schools or departments in the manner approved by the state board of education; and ~~may~~

(2) maintain these schools or departments from the general fund.

(b) The governing body may include in the high school curriculum without additional board approval any secondary level vocational education course that is:

(1) included on the list of approved courses that the board establishes under ~~IC 20-1-18.4-3~~; **IC 20-20-20-3**; and

(2) approved under section ~~14~~ **11** of this chapter, if applicable.

(c) The governing body shall notify the department and the department of workforce development whenever the governing body:

(1) includes an approved course for; or

(2) removes an approved course from;

the high school curriculum.

[20-10.1-6-2.5] Sec. ~~2-5~~ **3. (a)** The governing body of a school corporation may contract with a ~~not-for-profit~~ **nonprofit** corporation to establish and maintain a vocational program in the building trades solely for the purpose of teaching the principles of building construction to ~~pupils~~ **students** enrolled in grades ~~nine (9)~~ **9** through ~~twelve (12)~~ **12**.

(b) A vocational program established under this section is limited to ~~the~~ construction of buildings upon real property owned by the ~~not-for-profit nonprofit~~ corporation.

[20-10.1-6-4] Sec. 4. ~~Class-time and Instruction:~~ (a) Vocational schools or departments for industrial, agricultural, or home economics education may offer instruction in:

(1) day;

(2) part-time; and

(3) evening;

classes so that instruction in the principles and practice of the arts can ~~go on~~ **occur** together. ~~This~~ **The** instruction must be less than college grade, and ~~the instruction~~ must be designed to meet the vocational needs of ~~persons~~ **a person** who can profit by it: ~~the instruction~~.

(b) Evening classes in:

(1) an industrial;

(2) ~~an~~ agricultural; or

(3) home economics;

school or department must offer training for ~~persons~~ **a person** employed during the working day. ~~and~~ This training, in order to be called vocational, must deal with and relate to the subject matter of the day employment. However, evening classes in home economics must be open to all ~~persons~~ **individuals**.

(c) Part-time classes in an industrial, agricultural, or home economics school or department are for ~~persons~~ **a person** giving a part



of each working day, week or longer period to a part-time class when it is in session. This part-time instruction must be:

- (1) complementary to the particular work conducted in the employment; ~~be~~
- (2) in subjects offered to enlarge civic or vocational intelligence; or ~~be~~
- (3) in trade preparation subjects.

[20-10.1-6-5] Sec. 5. ~~Age of Students.~~ Attendance in:

- (1) day and part-time classes is restricted to ~~persons~~ **a person** who ~~have passed their fourteenth birthday;~~ **is at least fourteen (14) years of age;** and ~~in~~
- (2) evening classes to ~~persons~~ **a person** who ~~have passed their sixteenth birthday;~~ **is at least sixteen (16) years of age.**

[20-10.1-6-6] Sec. 6. ~~Attendance.~~ If a governing body has established an approved vocational school or department for ~~this~~ instruction in part-time classes for ~~a regularly employed persons having passed their fourteenth birthday;~~ **it person who is at least fourteen (14) years of age,** the governing body may formally choose to require the regularly employed ~~persons fourteen (14) years old or older and person who is under less than~~ nineteen (19) years of age to:

- (1) attend part-time classes;
- (2) between the hours of 8:00 A.M. and 5:00 P.M. during the school term; **and**
- (3) for not less than four (4) ~~nor~~ **hours and not** more than eight (8) hours per week.

[20-10.1-6-7] Sec. 7. ~~Cooperative Programs with Employers.~~ (a) Each school corporation, through ~~its~~ **the school corporation's** appropriate officials, may enter into cooperative programs with employers of labor. These programs must include an agreement by the employer to provide employment for the students enrolled in school-directed vocational education to learn the manipulative skills or manual processes of an occupation.

(b) The employer may employ the students in otherwise restricted occupations for the purpose of vocational education training under the following conditions:

- (1) That training in the occupation is approved by a proper school authority and is school supervised.
- (2) That safety instructions are given by the school and integrated with on-the-job training by the employer.
- (3) That the student is assigned to competent adults designated by the employer for instruction and supervision in the manipulative skills or manual processes of the occupation according to a written training schedule developed by the employer and a representative of the school.

[20-10.1-6-8] Sec. 8. (a) A student in vocational education and employed under section 7 of this chapter:



(1) is entitled to the rights of recovery of a worker of at least seventeen (17) years of age under the worker's compensation and occupational diseases laws (IC 22-3-2 through IC 22-3-7); and
 (2) may not recover any additional benefit otherwise payable as a result of being ~~under less than~~ seventeen (17) years of age under the definition of a minor in IC 22-3-6-1.

The student is considered the employee of the employer while performing services for the employer under section 7 of this chapter.

(b) A student performing services for an employer under section 7 of this chapter shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under the worker's compensation law (IC 22-3-2 through IC 22-3-6).

[QUERY: why does subs (b) not refer to IC 22-3-7 like subs (a)-- seems like it would be applicable in subs b as well]

(c) Employers and students under section 7 of this chapter are exempt from ~~IC 20-8-1-4-25~~ **IC 20-33-5-36**.

[20-10.1-6-8.5] ~~Sec. 8-5-9~~. (a) A vocational youth organization fund is created to assist in carrying out the purposes of this chapter. This fund shall be administered by the state superintendent of public instruction.

(b) The state superintendent of public instruction may award grants from the vocational youth organization fund for combined vocational activities of the organizations which are an integral part of the instructional program in vocational education. Areas of vocational instruction for which grants may be awarded include: ~~but are not limited to~~,

- (1) agriculture;
- (2) business and office occupations;
- (3) health occupations;
- (4) distributive education;
- (5) home economics; and
- (6) trade industrial education.

(c) There is appropriated to the state superintendent of public instruction a sum to be determined annually by the ~~Indiana~~ general assembly, out of the state general fund, to implement this section.

[20-10.1-6-11] ~~Sec. 11~~. **Sec. 10.** (a) Each governing body administering approved vocational schools or departments for industrial, agricultural, or home economics education shall appoint an advisory committee composed of members representing local trades, industries, and occupations.

(b) The advisory committee shall advise the governing body and other school officials having the management and supervision of ~~these~~ **the schools or departments described in subsection (a).**

[20-10.1-6-14] ~~Sec. 14~~. **Sec. 11.** (a) As used in this section, "vocational education course" means a vocational education course that is:



- 1 (1) an approved high school course under the rules of the state
- 2 board of education; and
- 3 (2) included on the list of approved courses that the board
- 4 develops and approves under ~~IC 20-1-18.4-3~~ **IC 20-20-20-3**.
- 5 (b) A school corporation that has entered into an agreement for a
- 6 joint program of vocational education with one (1) or more other school
- 7 corporations may not add a new vocational education course to its
- 8 curriculum unless the course has been approved in the following
- 9 manner:
- 10 (1) In the case of an agreement under ~~IC 20-1-18~~, **IC 20-37-1**, the
- 11 course must be approved by the management board for the joint
- 12 program.
- 13 (2) In the case of an agreement under IC 20-5-11[??], the course
- 14 must be approved by the governing body of the school corporation
- 15 that is designated to administer the joint program under
- 16 IC 20-5-11-3[?]. However, if that governing body refuses to
- 17 approve the course, the course may be approved by a majority of
- 18 the governing bodies of the school corporations that are parties to
- 19 the agreement.

